(5)

CF1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [CR.] NO. 17 /2007

PETITIONER :- Sukhdeo Ram Rajwade S/o Nanka Ram Rajwade, aged about 40 years, R/o village- Talsiwa, P.S.H. & Tahsil Surajpur, [Police station Surajpur] District Surguja Chhattisgarh.

VERSUS

RESPONDENTS :-

1] State of Chhattisgarh Through - Principal, Secretary of Home Department, D.K.S. Bhavan, Raipur [C.G.].

2] Inspector General of Police, Ambikapur, District Surguja [C.G.]

3] Superintendent of Police, Surajpur [Police District] District Surguja [C.G.]

4] Police Station House Officer, P.S.H. Surajpur, Police District Surajpur, District [Revenue] Surguja Chhattisgarh.

5] Assistant Sub Inspector A.K. Pandey, Police Station- Surajpur, District Surguja [C.G.]

6] Sewak Ram S/o Dhaniram Rajwade, aged about 32 years, R/o village Tilsiwa, P.S.H. & Tahsil Surajpur, District Surguja [C.G.].

P.R. No. 5921/07 Sushma Chandel
Presented by
dated 12/11/07

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CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C).No. 17/2007 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6-2-2007

Shri J.K. Shastri, Advocate for the petitioner.

Shri Suryakant Mishra, Panel Lawyer for the respondent No. 1 to 5.

Heard.

By this petition under Article 226 of the Constitution of India, the petitioner is praying for quashing of the criminal proceedings related to Crime No. 294/2006 registered in Police Station Surajpur, District Sarguja for offence punishable under Section 435 of I.P.C.

The grievance of the petitioner is that he has been implicated in the aforesaid offence on the basis of false report of Annexure P-3. It is submitted that a civil dispute is pending between the petitioner and the complainant in the Court of Civil Judge Class I, Surajpur and because of this animosity, a false report has been lodged by the complainant. He further submits that at the time of incident, the petitioner was present in the Court which is evident from various documents filed by the petitioner along with the petition. He also submits that he has already approached the Superintendent of Police, Surajpur as also the Inspector General of Police detailing the circumstances under which the report has been lodged, however on the basis of the false complaint, the tainted investigation has been undertaken by the Investigating Officer and charge sheet has been filed against the petitioner.

I have heard learned counsel for the petitioner. I have perused the First Information Report of Annexure P-3. From perusal of the

P.T.O.

XI-HC-78

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	F.I.R. which has been lodged by the complainant on the date of alleged incident it is clear that the petitioner has been named as offender. Having considered the facts and circumstances, this Court is of the considered opinion that there is no illegality committed by the Investigating Officer in registering the offence. It shall be open to the petitioner to take all the defences available to him during the course of the trial, and the criminal proceedings against the petitioner cannot be quashed at the threshold. The petition is dismissed. Consequently, M.W.P. No. 289/2007 is also dismissed Sd/- Dhirendra Mishra Judge	